

## REMARKS

Claims 1 – 33 remain in the present application.

### Claim Objections

Claim 22 is objected to under 37 CFR 1.75( c) as being improper dependent form for failing to limit the subject matter of a previous claim. The present Office Action alleges Claim 22 is a duplicate of Claim 21. Applicant respectfully asserts Claim 22 is not a duplicate of Claim 21. Applicant has amended Claim 23.

### 112 Claim Rejections

Claims 1, 10, 12-13, 15-17, 21 27 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended Claim 1 to refer to “said registered user”. The requester may or may not be a registered user and that is why a determination is made if the requester is a registered user. Applicant has amended Claim 10 to depend from Claim 9. Applicant has amended Claims 12 and 13. Applicant has amended Claim 15 to depend from Claim 14. Applicant has amended Claims 15-17 to refer to a SWDF. Applicant has amended Claim 21 to depend from Claim 20. Applicant has amended Claim 27 to depend from Claim 26. Applicant has amended Claim 32 to depend from Claim 31.

### 102 Rejections

Claims 1-18, 20-28 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter et al. (US Patent No. 5,892,900). Applicant respectfully submits that the present invention as claimed in Claims 1-18, 20-28 and 30-34 is neither shown nor suggested by the Ginter et al. reference.

Applicant respectfully asserts that the Ginter et al. reference fails to teach an automated software distribution system or method as recited in independent Claim 1. For example, amended Claim 1 recites in part (emphasis added):

... performing an internal process associated with a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers if said user is authorized;...

To the extent the Ginter et al. reference may mention an end user requests content from the VDE repository [ Col 316 lines 6-7], Applicant respectfully contends the Ginter et al. reference does not teach or suggest a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Applicant respectfully asserts Claims 2 – 8 are allowable as depending from an allowable independent Claim 1.

With regards to Claim 9, the present Office Action alleges the Ginter et al. reference discloses an internal software publishing process comprising: engaging in a data population process and alleges it is inherent for object storage. To the extent the Ginter et al. reference may mention a VDE employs object software technology [Col. 13

lines 50 -55], Applicants respectfully assert that the Ginter et al does not teach engaging in a data population process in accordance with a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Applicant respectfully asserts Claims 10 - 13 are allowable as depending from an allowable independent Claim 9.

With regard to Claim 14, the present Office Action alleges the Ginter et al. reference discloses a commercial transaction process. To the extent the Ginter et al. reference may mention an end user request content from a VDE repository and a container is transmitted across the network to the end user, Applicant respectfully asserts the Ginter et al. reference does not teach a commercial transaction process within a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Applicant respectfully asserts Claims 15 - 19 are allowable as depending from an allowable independent Claim 14.

With regard to Claim 20, the present Office Action alleges the Ginter et al. reference discloses an automated software distribution system. To the extent the Ginter et al. reference may mention a processor 654, a communications controller 666 and secondary storage 652, and a VDE may package information elements into a container [Col 59, lines 8 -22], Applicant respectfully assert the Ginter et al. reference does not teach a means for communicating, a means for processing, and a means for storing and

tracking information associated with an automated software distribution method, wherein the automated software distribution method utilizes a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Applicant respectfully asserts Claims 21 – 25 are allowable as depending from an allowable independent Claim 20.

With regard to Claim 26, the present Office Action alleges the Ginter et al. reference discloses an automated software distribution system. To the extent the Ginter et al. reference may mention a processor 654, a communications controller 666 and secondary storage 652, and a VDE may package information elements into a container [Col 59, lines 8 –22], Applicant respectfully assert the Ginter et al. reference does not teach a bus for communicating information, a processor for processing the information, and a memory for storing and tracking the information associated with an automated software distribution method, wherein the automated software distribution method utilizes a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Applicant respectfully asserts Claims 27 – 30 are allowable as depending from an allowable independent Claim 1.

The present Office Action alleges the limitations of Claims 31-34 are similarly drawn to the limitation of Claims 1 and 4-6 respectively and are rejected under similar rationale. To the extent the limitations of Claims 31-34 are similarly drawn to the

limitation of Claims 1 and 4-6 respectively, Applicant respectfully asserts Claims 31-34 are not taught by the Ginter et al. reference as discussed above.

### 103 Rejections

The present Office Action indicates Claim 19 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ginter et al. (US Patent No.5,892,900). Applicant respectfully asserts that the present invention is neither shown nor suggested by the Ginter et al. reference. The present Office Action alleges it would have been obvious to one of ordinary skill in the art at the time of the invention to include software image binary executables, readme information, installation instructions, product manuals, guide and software requirements, and software release note, and software licensing key within a product distribute using Ginter's distribution system. Applicant respectfully asserts a commercial transaction process within a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers would not have been obvious.

The present Office Action indicates Claim 29 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ginter et al. (US Patent No.5,892,900) in view of Mann (Newsgroup post comp.unix.sco.announce – O'Reilly Releases Pocket Ref. To XML). Applicant respectfully asserts that the present invention is neither shown nor suggested by the Ginter et al. nor the Mann reference alone or together in combination. In addition, Applicant respectfully asserts there is no motivation or suggestion to combine the Ginter et al. and Mann reference to teach the present invention.

The present Office Action acknowledges the Ginter et al. reference does not disclose using XML. Applicant respectfully assert the Mann reference does not overcome these and other shortcomings of the Ginter et al. reference. To the extent the Mann reference may mention XML promises to be an essential tool for electronic commerce, Applicant respectfully asserts the Mann reference does not teach an XML-based software distribution framework is utilized to enable automatic distribution of software over the Internet and World Wide Web (WWW) while coordinating, correlating and collecting information that assists software distribution management and maintenance activities

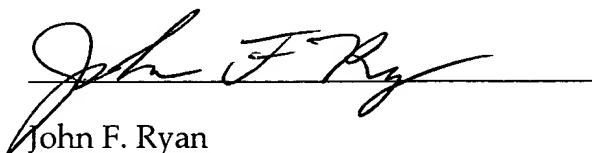
#### Conclusion

In light of the above-listed amendments and remarks, Applicant respectfully requests allowance of the remaining Claims. The examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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